

STATE OF COLORADO
Department of State

1700 Broadway, Suite 270
Denver, CO 80290



Gigi Dennis
Secretary of State

Holly Z. Lowder
Director, Elections Division

December 16, 2006

Hart InterCivic
Ms. Sandy Green
1650 Coal Creek Dr.; Suite E
Lafayette, CO 80026

Dear Ms. Green:

We have received a response from your organization to our request for Malfunction reports indicating that you will be evaluating the equipment after the date of January 8th, 2007 when the counties can release the equipment per instructions in their security plans for off-site maintenance.

Please provide us with a complete and final status report of these malfunctions as you determine the cause of the hardware/software issues. Our office will consider these items outstanding until we receive the updated correspondence regarding each item on the report. We fully anticipate receiving these updates on or before February 20th.

This report will be attached to you system 6.0 certification documents and distributed to the jurisdictions with interest in that version of your system. Failure to submit the updates to the report within the timeframe may be grounds to decertify your system. Additionally, other action may be necessary as allowable under C.R.S. 1-5-621(4).

If you have any questions on this or would like to discuss further, please contact me directly at the number indicated below.

Thank you for addressing this matter,

A handwritten signature in blue ink, appearing to read "John Gardner".

John Gardner
Voting Systems Specialist
Colorado Department of State
1700 Broadway, Ste 270
Denver, CO 80290
Office: 303.894.2200 ext. 6318

From: Lichtenheld, Peter [mailto:PLichtenheld@hartic.com]
Sent: Thursday, December 14, 2006 11:45 AM
To: John Gardner; Flom, Scott
Cc: Ard, Martina; Simonsen, Eric; Harrell, Travis
Subject: RE:

John,
I attempted to call you on this, but was not successful in contacting you. Please feel free to contact me with questions.

I've attached an updated version of the Incident Report. Costilla, Bent, and the Morgan VBO issue have been updated.

On the VBO issue, I do not have the background of communication with your office. Travis Harrell has that, and he is currently recovering from appendicitis. We will get detail when he returns.

As I've explained in the attachment, the Colorado requirement is still met with the Paper Out warning:

- the DRE provides a warning
- the voter is allowed to reprint and review the paper audit trail without having to re-mark his or her ballot, after the warning is cleared (unit or paper is replaced)
- the DRE displays a blue screen with the error message and "contact poll worker", hiding the voter's ballot.

Peter Lichtenheld
512.252.6578
866.391.1834 (fax)

From: John Gardner [mailto:john.gardner@sos.state.co.us]

12/18/2006

Sent: Wednesday, December 13, 2006 6:06 PM
To: Flom, Scott
Cc: Lichtenheld, Peter; Ard, Martina; Simonsen, Eric
Subject: RE:

Scott, we also need an explanation of this:

2		VBO did not display low or out error when paper ran out	County Clerk out of the office until next week	VBO paper low error is not active in HVS 6.0	Paper low indicator is disabled, but Paper out indicator is active	Send equipmner Hart for testing
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This was tested for certification in version 6.0, and the Colorado requirement specifically states:

45.5.2.9.16 The V-VPAT unit shall provide a “low supply” warning to the election judge to add paper, ink, toner, ribbon or other like supplies. In the event that an election judge is required to change supplies during the process of voting, the voter shall be allowed to reprint and review the paper audit trail without having to re-mark his or her ballot, and the device shall prevent the election judge from seeing any voters’ ballots.

With the paper low indicator not engaged, the system is being deployed inconsistent to the State's tested and approved certified version and expectation. Please confirm that you will engage the paper low indicator for Colorado Counties consistent with certification requirements. Additionally, if you are aware of this situation, why would you require the counties to send the equipment to Hart for testing? Finally, the statement regarding the State's expectation for similar failures is incorrect. 6.0 is the only version certified for use in Colorado - I believe the expectation is that this failure will happen throughout the state for EVERY election where the certified version is in use.

Please let me know how you will be correcting this issue on this report.

Thanks,
 John G.

From: Flom, Scott [mailto:SFlom@hartic.com]
Sent: Wednesday, December 13, 2006 3:01 PM
To: John Gardner
Cc: Lichtenheld, Peter; Ard, Martina; Simonsen, Eric
Subject:

John,
 Attached is the incident report. Please review and us know if you have any questions.
 Thanks,
 Scott

Hart InterCivic Equipment Incident Report - November 7, 2006

Incident	Colorado County Affected	Reported Incident	Serial Numbers of Units Reported	Description of Malfunction	Cause of Malfunction	Reprogramming Necessary to Remedy Situation	Expectation for Similar Failure in Other Equipment	Preventative Actions Prescribed	Remedial Action Repair/Replace	Confirmation of Solution Provided
1	Morgan County	eScan Public counter failed to increment following a jammed condition	County Clerk out of the office until next week	While scanning a paper jam occurred. After the jam was cleared, they continued to scan ballots, but the eScan stopped recording the public count	Need equipment in order to determine	Send equipment to Hart for testing and repair	None	TBD after examination of equipment	TBD after examination of equipment	County will release equipment for repair on January 8th
		eScan would not backup following a jammed condition	County Clerk out of the office until next week	After all ballots were scanned, the eScan was backed up in Servo and the number of ballots scanned did match their manual ballot count	Need equipment in order to determine	Send equipment to Hart for testing and repair	None	The MBB from eScan was read into Tally and the "Ballots Read" did increment by the same number as from the Servo backup.	Return equipment for repair, testing, and review of audit log to Hart's Colorado office	County will release equipment for repair on January 8th
2		VBO did not display low or out error when paper ran out	County Clerk out of the office until next week	VBO Paper Low error mechanism is disengaged in HVS 6.0	Paper Low error is disengaged, but Paper Out warning is active	Send equipment to Hart for testing for lack of Paper Out warning	None, paper low indicator is engaged in HVS 6.2.1 - 6.4. Paper Out error gives warning and allows reprint of VVPAT*.	TBD after examination of equipment	TBD after examination of equipment	TBD after equipment is received and evaluated regarding lack of Paper Out warning
3	Costilla County	eScan unit failed	Calling back with #	Would not power on	Power On Self Test failure	SOS loaned eScan. Send equipment to Hart for repair	None	Testing equipment before election, backup equipment should be available	Return equipment for repair	County will release equipment for repair on January 8th
	Grand County	eScan unit failed	G7867C G7867D G78683	Scanning ballots and eScans stopped working	Power On Self Test failure	Send equipment to Hart for repair	None	Testing equipment before election, backup equipment should be available	Return equipment for repair	County will release equipment for repair on January 8th
	Ouray County	eScan unit failed	G7873B G78738	Would not scan. Static Electricity.	Incorrect firmware loaded	Send equipment to Hart for repair	None	Hart indicating version numbers on RMAs documentation, backup equipment should be available	Return equipment RMA completed for both units	Units repaired and received by County
	Phillips County	eScan unit failed	G78692	ESN 300 error message	Power On Self Test failure	Send equipment to Hart for repair	None	Able to read MBB to Tally, backup equipment should be available	Return equipment for repair	County will release equipment for repair on January 8th
	Rio Grande County	eScan unit failed	G786CA	Would not power on	Power On Self Test failure	Send equipment to Hart for repair	None	Testing equipment before election, backup equipment should be available	Return equipment for repair	County will release equipment for repair on January 8th
	San Miguel County	eScan unit failed	G7866E	ESN 300 error message	Power On Self Test failure	Send equipment to Hart for repair	None	Borrowed two e-Scans from Ouray which were on loan from the Colorado SOS	Return equipment for repair	County will release equipment for repair on January 8th
	Sedgwick County	eScan unit failed	G78695	ESN 201 error message	Could not read/decode the barcode. Bad scanner head.	Send equipment to Hart for repair	None	Hart Colorado Office loaned the County an eScan, backup equipment should be available	Return equipment for repair	County will release equipment for repair on January 8th
	Yuma County	eScan unit failed	G78696	Would not power on	Power On Self Test failure	Send equipment to Hart for repair	None	Testing equipment before election, backup equipment should be available	Return equipment for repair	County will release equipment for repair on January 8th

Hart InterCivic Equipment Incident Report - November 7, 2006

Incident	Colorado County Affected	Reported Incident	Serial Numbers of Units Reported	Description of Malfunction	Cause of Malfunction	Reprogramming Necessary to Remedy Situation	Expectation for Similar Failure in Other Equipment	Preventative Actions Prescribed	Remedial Action Repair/Replace	Confirmation of Solution Provided
4	Bent County	Per County Clerk, County did not have any issues with their Hart voting equipment. Confirmed 12/14/06.	NA	NA	NA	NA	NA	NA	NA	NA
	Montrose County	eSlate showed "Old Election Data"	A091F7, A0V0F0, A09264, A092A9, A0915E, A087EB, A092DF, A094DF, A0984C, A08447, A08238, A091F8, A0AAC8, A0923E, A08769, A09162, A082B6, A0884A, A088F8, A089F5, A092D7, A093AA	"Old election data" error message	Incorrect Reset Process	All eSlates had to be reset via SERVO	None, if proper procedures are followed	Follow correct reset procedures	NA	County aware to follow the training bulletin
	Rio Blanco County	eSlate showed "Old Election Data"	A092FF, A0AD79	"Old election data" error message	Incorrect Reset Process	All eSlates had to be reset via SERVO	None, if proper procedures are followed	Follow correct reset procedures	NA	County aware to follow the training bulletin
5	Douglas County	JBC units automatically turned off at midnight on Election Day	C03A3A	"There are no open Elections at this time" error message. And the eSlates were showing unavailable. JBC automatically closed the polls at midnight.	No code that would cause this or display this message. Could not reproduce issue in testing.	Hart waiting for customer signing key in order to perform test with customer data.	None	Used paper provisional ballots	Researching to see if action needed. User error suspected.	Will update County when we get final test results
	*When the Paper Out warning displays (VBO 105) , the blue screen on the eSlate hides the voter's ballot, then the entire VBO, or the paper in the VBO, can be replaced and the eSlate will allow the voter to continue voting and to reprint the full VVPAT without remarking his or her ballot. This is, in practice, only slightly different than the functionality when the Paper Low warning displays (VBO 102). The difference is that a Paper Low warning encountered in the middle of printing a VVPAT will allow that voter to finish printing and cast his or her ballot (but not to reject and then reprint) before replacing the VBO/paper, while the Paper Out warning halts the process at that point and requires that the VBO/paper be replaced. No data is lost with the Paper Out warning. The Election Judge can be notified and remedy the situation in either case.									

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November 14, 2006

Hart InterCivic
Ms. Sandy Green
1650 Coal Creek Dr.; Suite E
Lafayette, CO 80026

Dear Ms. Green:

We have received the following report from various Hart Counties throughout the State of Colorado. Due to the nature and description of the problems, the Secretary of State is requesting separate malfunction reports for each specific incident from your office indicating the cause and resolution to the problems being experienced as follows:

1. eSlate randomly reports a "connection error" (with an error code) to the VBO unit. This error happens on both DAU and non-DAU eSlate booths at random times throughout the use of the equipment.

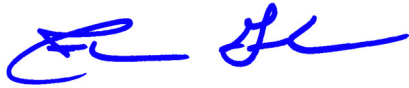
Pursuant to C.R.S. 1-5-621, and Colorado Secretary of State Rule 36, we are requesting you to submit separate malfunction reports of these incidents to our office within 30 days of this date. In your report, please include the following details:

- Serial Numbers of all units involved (include JBC and VBO Serial Numbers as applicable).
- The description of the malfunction
- The cause of the malfunction.
- A detail of the reprogramming steps necessary to remedy the situation in any given case.
- The reasonable expectation that the State of Colorado could have for similar failure in all Hart units.
- Actions necessary for any jurisdiction or your organization to take to prevent similar failure of this nature. (Please indicate if actions are permanent changes necessary to the system)
- Remedy taken by Hart Intercivic to repair or replace the specific units as applicable
- Confirmation that the jurisdiction was provided with a solution for this election.

This report will be attached to your system 6.0 certification documents and distributed to the jurisdictions with interest in that version of your system. Failure to submit a report within the timeframe may be grounds to decertify your system. Additionally, other action may be necessary as allowable under C.R.S. 1-5-621(4).

If you have any questions on this or would like to discuss further, please contact me directly at the number indicated below.

Thank you for addressing this matter,

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John Gardner
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1. eScan unit in Morgan County did not continue to increment counter after a ballot jam. The Backup of this unit was not possible apparently due to this error.
2. eSlates in Morgan County ran out of VBO paper without warning message or error code for paper being low or running out (SOS Rule 45.5.2.9.16).
3. eScan units in Phillips, Grand, Sedgwick, Yuma, Rio Grande, Costilla, Ouray and San Miguel counties all reported at least one unit to fail to work either during Logic and Accuracy testing, or during the scanning of ballots, causing at least three of these counties to rescan all or some of the ballots needed to be counted.
4. eSlate units at the open of polls on election day reported to have "old election data" contained on them for at least Rio Blanco, Bent and Montrose Counties.
5. eSlate units in Douglas County automatically turned off at Midnight on Election Day.

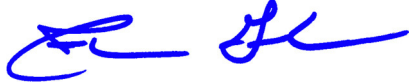
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